

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE
3

4)
5 In the Matter of the)
6 2021 Redistricting Plan.)
7)
8)

Case No. 3AN-21-08869CI

9 **AFFIDAVIT OF PETER TORKELSON**
10 **(Supplemental Direct Testimony)**

11 STATE OF ALASKA)
12) ss.
13 THIRD JUDICIAL DISTRICT)

14 I, Peter Torkelson, being duly sworn, depose and state as follows:

15 1. This supplemental testimony is meant to addresses the pre-filed expert
16 testimony of Kimball Brace offered by the Valdez Plaintiffs and Skagway Plaintiffs,¹
17 which contains numerous factual errors and mischaracterizations of the Alaska
18 Redistricting Board's processes, and the pre-filed expert testimony of Chase Hensel
19 offered by the East Anchorage Plaintiffs.

20 **Response to Kimball Brace Testimony**

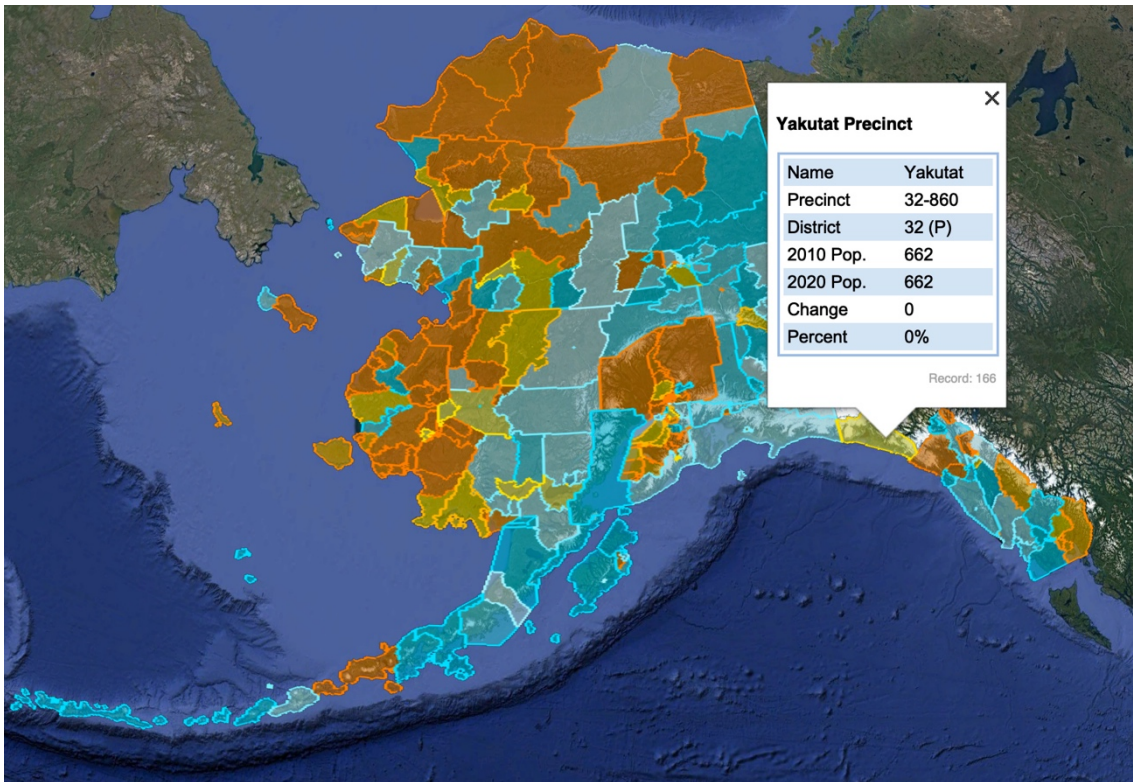
21 2. In paragraphs 20-32 of Brace's Skagway and Valdez Testimony, Mr.
22 Brace implies that the Board was ill-prepared for the receipt of Census PL redistricting
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26 ¹ Corrected Affidavit of Kimball Brace (Expert Testimony for Skagway) dated January 18, 2022 ("Brace Skagway Testimony") and Corrected Affidavit of Kimball Brace (Expert Testimony for Valdez) dated January 18, 2022 ("Brace Valdez Testimony").

1 data or failed to prepare an analysis of population changes affecting the existing 2013
2 house districts in a timely fashion. None of these assertions are accurate.

3 3. In fact, the Board staff worked closely with experts at the State of Alaska,
4 Department of Labor to test drive computer systems using sample State of Rhode Island
5 data published by the U.S. Census in the weeks leading up to August 12. This testing
6 allowed staff to make a timely release of data to Board members when we received the
7 Census data.
8

9 4. In fact, Board staff provided members with detailed population-change
10 information 1 hour and 34 minutes after receipt of the Census PL data at 9:00 a.m. on
11 August 12. Staff's population-change information issued to Board members included
12 an interactive Google Earth file which provided members with color-coded population
13 data for all 441 Alaska voting precincts. The following is a screen capture of this
14 Google Earth file:
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1. An interactive, color-coded Google Earth map of Alaska Election Precinct population changes was provided to Board members on August 12 at 10:34am, 94 minutes after the Census released 2021 PL redistricting data. Warmer colors denote population growth, cooler colors population decline. Clicking a precinct reveals population details. Board member Simpson, an avid Google Earth user, was particularly appreciative of this product.

5. On page 9, paragraph 27, Mr. Brace alleges that the Board did not begin mapping together until September 7, 2021. The Board met on August 23 and August 24 in public hearings and began debating various mapping processes and drew various regional mapping concepts. The meetings were video streamed statewide and recorded.

6. On August 25, Board members Simpson and Marcum and I worked intensively on Southeast Alaska and a Gulf Coast district experimenting with combining Kodiak with various portions of the Kenai Peninsula and Prince William Sound communities. The following is a table of maps created early in the process on

my Board laptop designated LT07. There were nine Board laptops used for drawing, so this is in no way an exhaustive list:

Early Autobound Maps on Torkelson Laptop	
Plan Name	Creation Date
2021.08.25 Gulf Coast Marcum-Simpson	20-Aug-21
Southeast Budd v2 with Lena Point	31-Aug-21
Budd Southeast v2 Auke Bay Fork	31-Aug-21
Budd Southeast OLD	1-Sep-21
2013 Modified	2-Sep-21
2021.09.02 Marcum Districtr 42542	2-Sep-21
import test	2-Sep-21
2021.09.03 Binkley Fairbanks Blank	3-Sep-21
2021.09.02 Marcum Districtr 42542 test 3	3-Sep-21
2021.09.02 Marcum Districtr 42542	3-Sep-21
2021.09.03 Districtr 42789	3-Sep-21
2021.09.04 Districtr 42136	3-Sep-21
Anchorage Marcumv1 2021.08.31	7-Sep-21
West and Fairbanks Bahnke 2021.08.30	7-Sep-21
SW Borromeo 2021.09.03 - Homer with Seward	8-Sep-21
2021.09.03 Districtr 42773	9-Sep-21

2. *Torkelson Laptop AutoBound Edge Plans of late August and early September.*

7. There were numerous Board member and staff work sessions between August 25 and September 7. The following are a few Board member submitted compensation sheets for mapping work prior to September 7, 2021:

1 9. Despite Mr. Brace’s assertions to the contrary, the Board was well
2 prepared for the incoming Census data and mapped intensively prior to our public
3 hearings on September 7 – 9 which resulted in the adoption of Board v.1 and v.2.
4

5 10. In paragraph 35 of his Valdez and Skagway Testimony, Mr. Brace asserts
6 that the Board mapped out of the public eye from September 9 to September 20. This
7 is incorrect. The Board’s office was open to the public and members of the public did
8 attend and observe members individually mapping various concepts with staff.
9

10 11. Also in paragraph 35 Mr. Brace implies that the Board adopted versions
11 v.3 and v.4 without first taking public testimony. Not true. Board v.3 and Board v.4
12 were the product of the Board-member refinements to Board v.1 and v.2 in response to
13 approximately 230 verbal and written public comments received regarding v.1 and v.2
14 between September 7 and September 20, including at public hearings on September 17
15 and September 20.
16

17 12. In paragraphs 38-51, Mr. Brace highlights “data anomalies” which he
18 “discovered” in a population and deviation table published on the Board’s website. The
19 deviation table Mr. Brace refers to contained population and deviation numbers which
20 had simply not been updated with the final re-numbered district labels. Re-numbering
21 was done just before final plan adoption to accommodate the Alaska Division of
22 Elections’ traditional pattern of labeling Senate District A to be the combination of
23 House Districts 1 & 2; Senate District B is House Districts 3 & 4, etc. This staff
24 oversight was detected and corrected prior to receipt of Mr. Brace’s pre-filed testimony.
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26

1 13. In paragraph 52, Mr. Brace asserts that the Board district renumbering
2 process was “ad hoc,” and that it was confusing for the public to follow. The Board
3 renumbered house districts, when necessary, to ensure plans did not have duplicate
4 district numbers and, at the end of the process, to paginate house districts that were
5 paired to create senate districts. Because various portions of the state were mapped on
6 nine separate laptops, collisions between district numbers were inevitable when plans
7 were imported into the same plan on a single computer. The AutoBound Edge operator
8 tasked with combining these various map portions would have to renumber them to
9 successfully accomplish the importation task. Staff and board members made it clear
10 whenever questions arose that the district numbers taken on the “roadshow” were
11 placeholders and did not reflect a final district assignment.
12

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14
15 14. In addition, each third-party redistricting plan came forward with their
16 own numbering system, some numbering from South to North, while others generally
17 followed the 2013 pattern of starting in Interior Alaska and moving outward. This did
18 lead to some degree of confusion during public testimony as a testifier might say
19 something like, “I support District 22” and a Board member would then seek
20 clarification, “which plan are you referring to?”
21

22 15. I agree that the district renumbering process was potentially confusing. It
23 was also unavoidable. Various AutoBound Edge operators, including myself, had no
24 way to predict what the final senate pairing assignments might be and therefore no
25
26

1 opportunity to bring finality to the numbering system until senate pairs were adopted
2 November 9.

3
4 16. On page 18, paragraph 55, Mr. Brace asserts that the Board failed to
5 follow the *Hickel* process. This is not true, as the Board carefully followed that required
6 process. On September 8, Native American Rights Fund sent a letter to the Board
7 sharply criticizing its process for not using racial data in crafting districts. Point #1 of
8 the letter states: “*The Board appears to have decided that it will not consider the*
9 *requirements of the Voting Rights Act (“VRA”) until the final weeks of the redistricting*
10 *process.*”³

12 17. In response to this correspondence, Member Bahnke engaged in an on-
13 the-record dialog with legal counsel asking when and how racial data should be used.⁴
14 Legal counsel advised that racial data not be used, and the request was made to remove
15 all racial data from the AutoBound Edge active matrix, which defaults to displaying
16 White, African-American, Hispanic and total minority percentages.

18 18. In response to this request, Board staff worked with the Department of
19 Labor expert to create a new simplified active matrix which showed no racial data of
20 any kind . This matrix was then subsequently provided to members.

22 19. The default AutoBound Edge active matrix does not properly calculate
23 Alaska Native populations consistent with the Board definition of the term. It was
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26 ³ ARB003301-ARB003305.

⁴ ARB010422-ARB0101423 (Transcript, September 8, 2021).

1 impossible to check the Alaska Native Alone or in Any Combination voting age
2 percentage until a customized active matrix was created for that purpose.

3
4 20. It was not until September 15, nearly a week after the adoption of Board
5 v.1 and v.2, that the Department of Labor succeeded in creating a functional active
6 matrix which properly calculated the Alaska Native Alone or in Any Combination
7 voting age values using 32 distinct U.S. Census data columns.

8
9 21. In paragraph 59, Mr. Brace asserts that the Board drew Voting Rights Act
10 districts first and then moved to the rest of the state. That is incorrect. Board members
11 started in Southeast Alaska during the training session on June 23 starting at 3:35pm.⁵
12 And again on September 7, Member Simpson discussed starting in Southeast and the
13 various considerations and challenges of mapping that area.⁶
14

15 22. Once members were comfortable with the software, each mapped as they
16 wished. I observed members mapping all portions of the state in the first couple of
17 weeks. The four earliest maps drawn on my laptop with members were for Southeast
18 Alaska and the Gulf Coast, Prince William Sound and Kenai areas.
19

20 23. Throughout the month of October, I worked with legal counsel in concert
21 with our Voting Rights Act consultants to facilitate a Racial Block Voting Analysis and
22 Voting Rights Act compliance review. I joined several conversations between our legal
23 team and Mr. Bruce Adelson and Dr. Jonathon Katz. The results of the Racial Block
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26 ⁵ ARB July 28 live stream video recording at 4:48 <https://vimeo.com/568684699>.

⁶ ARB009565 (Transcript, September 7, 2021, page 36).

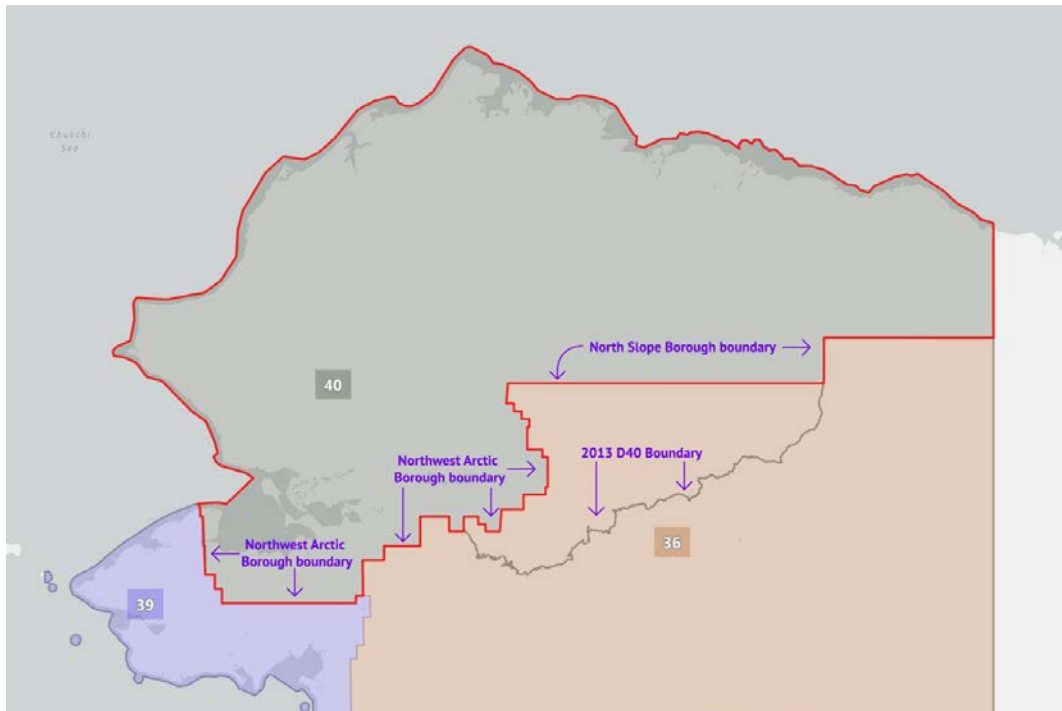
1 Voting and Voting Rights Act compliance analysis were not shared with Board
2 members until November 2, 2021. Until that time, Board members were not apprised
3 of the VRA status of any proposed districts. Both reports were released to the public
4 just hours after they were revealed to the Board on November 2.
5

6 24. In paragraph 69 of his Valdez Testimony, Mr. Brace asserts that the Board
7 “found consensus on VRA districts first.” Not true. The Board made substantive
8 changes to the boundaries between Districts 37, 38 and 39 during the final days of house
9 district mapping on November 4 and 5.
10

11 25. On November 5, the last day the Board considered house districts,
12 Chairman Binkley stated: “... *I know yesterday we tried, and in the last couple of days,*
13 *very hard in trying to make that happen, to bring Hooper, Chevak, and Scammon into*
14 *the Bethel District. It was -- we couldn’t achieve consensus on that and we moved on*
15 *in terms of trying to get to a final product...*”⁷ My observation was that consensus was
16 achieved just before final house plan adoption late that evening, November 5.
17

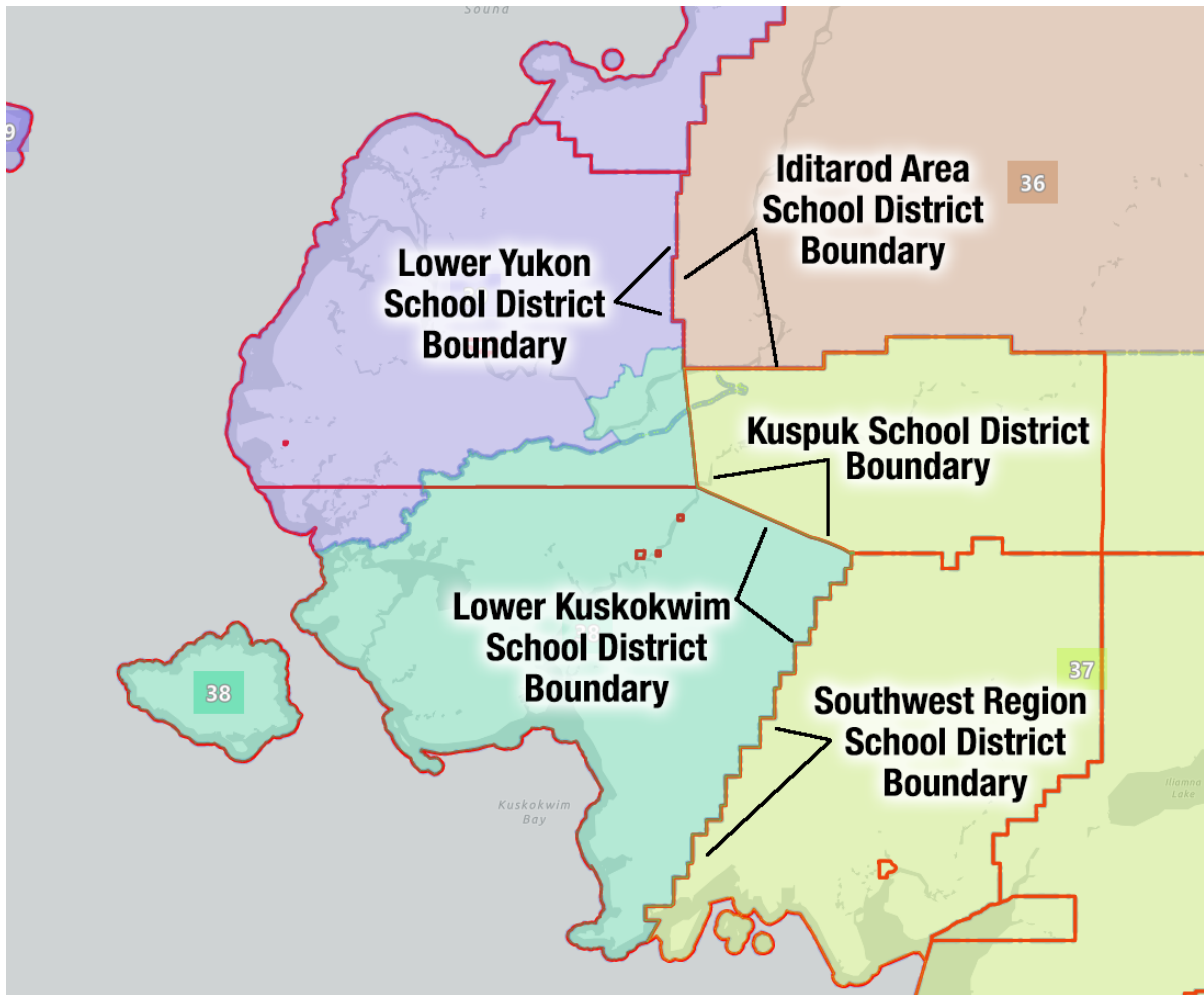
18 26. In paragraph 62 of his Skagway Testimony, Mr. Brace asserts that the
19 Board drew VRA districts based on ANCSA boundaries. This is incorrect. For
20 example, House District 40 is comprised of two complete Boroughs as the following
21 illustration demonstrates:
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⁷ ARB007948 (Transcript, November 5, 2021, page 91).



3. Board adopted District 40 with associated borough boundaries.

27. I observed that the boundaries between District 36, 37, 38 and 39 in Board plans v.3 and v.4 were heavily influenced by borough and school district boundaries, as the following illustration demonstrates:



4. Board v.3 and v.4 rural districts overlaid with school district boundaries. Some reflect underlying borough lines, others stand alone.

28. On page 30, paragraph 96, Mr. Brace opines that the Board’s Final Plan fails to comply with the Voting Rights Act. But Mr. Brace offers no justification for this assertion, other than a potential issue of packing Alaska Native voters.

29. At the direction of Mr. Adelson, Board staff spent considerable time exploring the possibility of “unpacking” Alaska Native voters. These efforts are detailed in the Voting Rights Compliance Report portion of the Adopted Proclamation concluding that *“Only by fracturing socio-economically integrated community*

1 concentrations of Alaska Native voters, such as slicing apart the North Slope Borough,
2 and spanning vast geographic distances to unite disparate economies, cultures and
3 climates, could Alaska Native concentrations along the coastline be shared with
4 another district.”⁸

6 30. The redistricting plan submitted by Mr. Brace on behalf of the Valdez
7 Plaintiffs has nearly identical concentrations of Alaska Native voting age population to
8 the Board’s adopted Final Plan. Mr. Brace appears to offer no explanation for why his
9 plan may comply with the Voting Rights Act, while asserting that the Board’s plan does
10 not, despite their striking similarity. The following illustration notes the various Alaska
11 Native Voting Age population for the 2021 Proclamation plan compared with Mr.
12 Brace’s 40 district Valdez plan:
13

2021 Proclamation Plan		Kimball Brace Valdez Plan	
District	Alaskan Native VAP	District	Alaskan Native VAP
37	43.8%	37	45.6%
38	85.8%	38	86.0%
39	85.1%	39	82.8%
40	62.0%	40	62.0%

19 31. In paragraph 108 of his Valdez Testimony, Mr. Brace correctly notes that
20 the Board’s House District 29 combined Valdez with the Mat-Su, which are 240 road
21 miles apart.
22

26
⁸ ARB000086-ARB000087.

1 32. Yet, Mr. Brace fails to mention that Valdez’s preferred district as drawn
2 in his plan combines Valdez and Eielson Air Force Base in the Fairbanks North Star
3 Borough, a road separation of 338 miles, a 40% greater distance.
4

5 33. In paragraph 109 of his Valdez Testimony, Mr. Brace asserts that Board
6 House District 29 pairs “entirely distinct communities.” Yet, Census data shows the
7 following family income ranges for the Mat-Su Borough and City of Valdez residents:
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American Community Survey

S1901 | INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

2019: ACS 5-Year Estimates Subject Tables

Notes | 1 Geo | Years | 1 Topic | Surveys | Codes | Hide | Transpose | Margin of Error | Restore | Excel | Download | Print | Map

	Matanuska-Susitna Borough, Alaska		
	Households	Families	Married-couple families
Label	Estimate	Estimate	Estimate
▼ Total	31,217	22,093	17,742
Less than \$10,000	5.7%	3.2%	1.6%
\$10,000 to \$14,999	2.8%	1.5%	0.6%
\$15,000 to \$24,999	7.4%	4.5%	3.1%
\$25,000 to \$34,999	7.1%	5.2%	4.0%
\$35,000 to \$49,999	10.0%	9.1%	8.0%
\$50,000 to \$74,999	16.7%	16.7%	15.9%
\$75,000 to \$99,999	13.3%	14.8%	14.9%
\$100,000 to \$149,999	20.2%	24.5%	27.8%
\$150,000 to \$199,999	9.5%	12.2%	14.2%
\$200,000 or more	7.2%	8.3%	9.9%
Median income (dollars)	75,493	90,704	102,595
Mean income (dollars)	92,246	104,600	114,910

American Community Survey

S1901 | INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

2019: ACS 5-Year Estimates Subject Tables

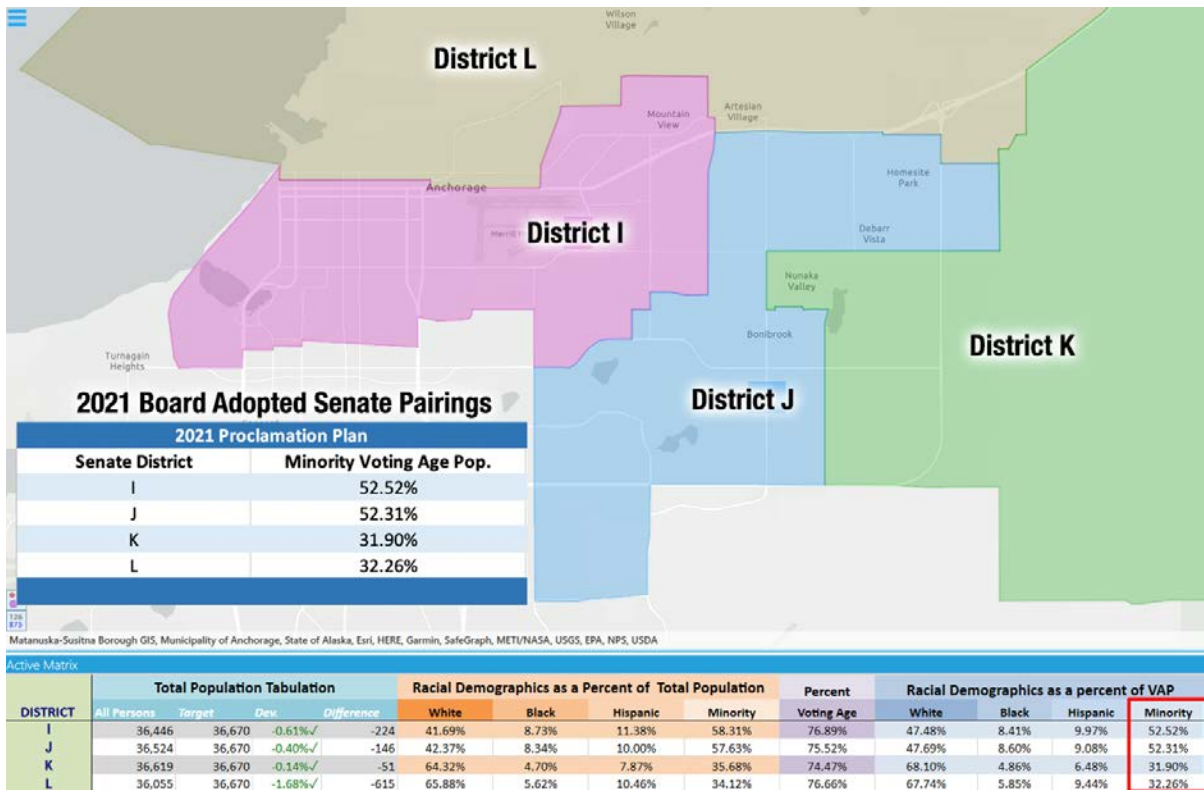
Notes | 1 Geo | Years | 1 Topic | Surveys | Codes | Hide | Transpose | Margin of Error | Restore | Excel | Download | Print | Map

	Valdez city, Alaska		
	Households	Families	Married-couple families
Label	Estimate	Estimate	Estimate
▼ Total	1,552	837	713
Less than \$10,000	7.3%	13.6%	7.0%
\$10,000 to \$14,999	0.0%	0.0%	0.0%
\$15,000 to \$24,999	3.4%	0.0%	0.0%
\$25,000 to \$34,999	12.1%	3.6%	0.0%
\$35,000 to \$49,999	12.6%	4.1%	4.8%
\$50,000 to \$74,999	8.7%	11.2%	13.2%
\$75,000 to \$99,999	19.7%	14.8%	17.4%
\$100,000 to \$149,999	16.8%	23.5%	23.4%
\$150,000 to \$199,999	7.9%	13.9%	16.3%
\$200,000 or more	11.4%	15.3%	18.0%
Median income (dollars)	85,085	101,278	111,050
Mean income (dollars)	98,125	112,529	N
▼ PERCENT ALLOCATED			

5. Source: <https://data.census.gov/cedsci/table?q=Valdez,%20Alaska%20income> & <https://data.census.gov/cedsci/table?q=Matanuska%20Susitna%20Borough,%20Alaska%20income&tid=ACST5Y2019.S1901>.

Response to Chase Hensel Testimony

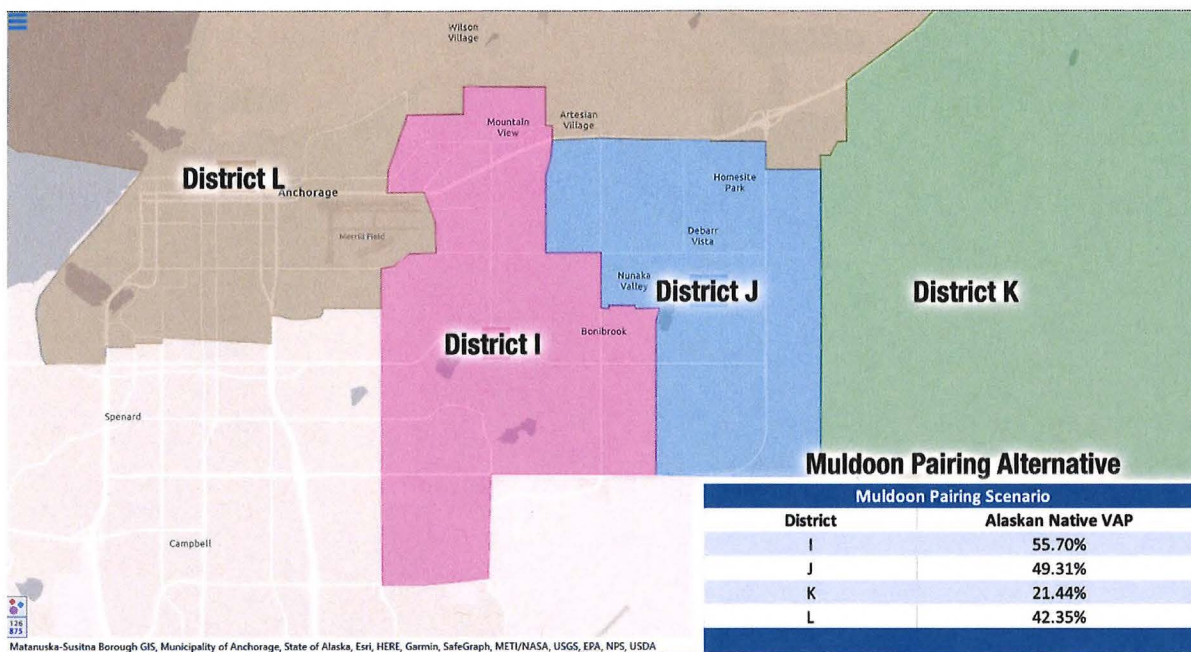
34. Dr. Chase Hensel asserts in paragraph 76 of his testimony⁹ that minority voters are disadvantaged by the Board's senate pairing assignments in East Anchorage and Eagle River. This is not true. The Board's final senate pairings maximized Northeast Anchorage's minority voting strength by creating two majority-minority senate districts with 52.52% and 52.31% minority voters in Senate Districts I and J respectively. The following illustration details these percentages:



6. The Board plan creates 2 equally populated majority-minority senate districts.

⁹ Affidavit of Chase Hensel, Ph.D. dated January 14, 2022.


35. By contrast, pairing Muldoon house districts has the effect of diluting North Muldoon's majority-minority voting population, resulting in a senate district with less than a majority of minority voters. The following illustration details this:



Active Matrix													
DISTRICT	Total Population Tabulation				Racial Demographics as a Percent of Total Population				Percent Voting Age	Racial Demographics as a percent of VAP			
	All Persons	Target	Dev.	Difference	White	Black	Hispanic	Minority		White	Black	Hispanic	Minority
I	36,482	36,670	-0.51%	-188	38.78%	8.12%	11.48%	61.22%	74.86%	44.30%	8.21%	10.18%	55.70%
J	36,699	36,670	0.08%	29	45.07%	8.52%	9.27%	54.93%	74.60%	50.69%	8.82%	8.22%	49.31%
K	36,237	36,670	-1.18%	-433	75.73%	2.01%	7.33%	24.27%	73.82%	78.56%	2.12%	6.09%	21.44%
L	36,226	36,670	-1.21%	-444	54.79%	8.71%	11.62%	45.21%	80.27%	57.65%	8.41%	10.37%	42.35%

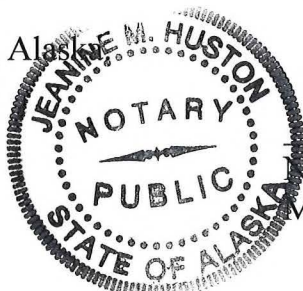
7. Pairing Muldoon voters results in a senate district with less than 50% minority voting age population, diluting North Muldoon's majority-minority status.

FURTHER AFFIANT SAYETH NAUGHT.


Peter Torkelson

SUBSCRIBED AND SWORN to before me this 20th day of January, 2022,

at Anchorage, Alaska





Notary Public in and for the State of Alaska
My Commission expires: 1.31.2024

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of January, 2022,
a true and correct copy of AFFIDAVIT OF PETER TORKELSON
(SUPPLEMENTAL DIRECT TESTIMONY (18 pages) was served
upon the following by:

☐ US Mail ☒ Email ☐ Fax ☐ Hand-Delivery

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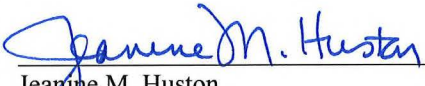
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